

REMARKS

Applicant notes with appreciation the Examiner's withdrawal of finality of the previous Action.

In paragraph 3 of the Detailed Action, the Examiner has rejected claims 27, 28, 30, 32, 33 and 37 under 35 U.S.C. 103(a) "as being unpatentable over **Shirai (6,104,924) in view of Michaels et al. (6,011,976)**". Applicants respectfully traverse this rejection, and request reconsideration of their claimed invention.

Obviousness requires a *prima facie* showing that (1) there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. (2) there is a reasonable expectation of success, and (3) that the reference teaches or suggests all claim limitations. MPEP § 2143.

The Examiner states "“Shirai’s teaching of “operating the mobile station in accordance with the stored at least one script and receiving a user input to aid in configuring the operating features of the mobile station to select and implement at least one specific capability indicated in the terminal capabilities response without further contact with the fixed station” (col. 6, lines 46-51), reads on providing a local application program on the wireless terminal which in an off-line mode has read access to the data in the virtual memory, in that operating the mobile station in accordance with the stored script, it follows that the appropriate scripts that was provided by the first station were stored in a memory from which memory the stored script is used to operate the mobile station, hence this memory served as virtual memory”.

The Examiner then states “Michaels discloses a telecommunication system in which fixed memory locations which can be addressed over the air have read/write access control... Hence it would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide write access to memory locations to which data has been downloaded in the system of Shirai for the benefit of dynamically updating fixed memory locations and render such memory locations accessible for reading or overwriting as taught by Michaels”.

With respect, there is no suggestion or teaching in the references relied on by the Examiner to combine the references cited that would achieve Applicants' claimed invention. Paragraph (b) of claim 1 recites a method, wherein access to a memory on the wireless terminal, which is not the Shirai. Application running on the terminal when in an off-line mode and which is to be treated as a local virtual memory by the application running on the server when in an on-line mode. Instead, Applicants' claimed invention provides for an application running on the server can read and write data to a local virtual memory. Thus, the Shirai step of the fixed station script writing to a mobile station departs from Applicants' claimed invention, and does not provide a suggestion or teaching to combine Michaels to achieve Applicants' claimed invention.

Notably, as noted by the Examiner, in Michaels the fixed memory locations are addressed over the air. In contrast, Applicants' claimed invention, for example, provides fixed memory locations which have write access in an off-line mode. Accordingly, there is no teaching or suggestion of combining Shirai with Michaels to achieve Applicants' claimed invention because at most, the hypothetical combination cited relegates device data writing to an on-line mode.

Thus the requirements for a *prima facie* case of obviousness have not been met by the Examiner's rejection.

The Examiner is respectfully requested to withdraw his rejection of claim 27 under 35 U.S.C. 103(a).

Claim 30 is another independent claim, and the same arguments apply to that claim as they do to claims 32 and 37. Claim 28, 33 depend on claim 27, 32, respectively and are not obvious for the same reasons. The Examiner is respectfully requested to withdraw his rejection of claims 28, 30, 32, 33 and 37 under 35 U.S.C. 103(a).

In paragraph 4 of the Detailed Action, the Examiner has rejected claims 29, 31, 34 and 38 under U.S.C. 103(a) "as being unpatentable over **Shirai and Michaels** as applied to claims 30 and 37 above, and further in view of **Folger et al. (5,337,044)**". With respect to claims 29 and 34 the Examiner states "Shirai further discloses configuring the operating features of the mobile station to select and implement at least one specific capability indicated in the terminal capabilities response without further contact with the fixed station (col. 6, lines 48-51), thus suggesting the capability of the mobile station to modify particular data in the virtual memory while in the off-line mode".

For the same reasons as discussed above with respect to the 35 U.S.C. 103(a), a combination of Shirai and Michaels does not provide the local virtual memory as contemplated in claims 29 and 34.

Since there is lacking a combination of Shirai in view of Michaels to achieve Applicants' claimed invention, there likewise cannot be a teaching or suggestion

to incorporate updates or modification to files of Folger to achieve Applicants' claimed invention, and further there is no reasonable expectation of success to do so.

The Examiner is respectfully requested to withdraw his rejection of claims 29 and 34 under 35 U.S.C. 103(a).

Claims 31 and 38 are also independent claims, and the combination as cited does not provide a *prima facie* case of obviousness for the reasons cited above.

Claim 27 has been amended to overcome informalities relating to antecedents. Applicants note that amendments to claim 27 are not provided to overcome the Examiner's rejection of claim 27 under 35 U.S.C 103(a).

New claim 39 claims a method executed by a wireless terminal. It involves the provision of a memory on a wireless terminal which in an on-line mode is adapted to be treated as local virtual memory by an application program running on a server to read and write data in a virtual memory related to a local application program. The wireless terminal is further provided with a local application program which allows the wireless terminal to access the data in the memory when in an off-line mode.

It is respectfully submitted that the references relied upon by the Examiner, for the reasons above, do not provide a basis of rejection for this new claim.

In Figure 6, the step of updating the virtual memory has been identified with its associated numeral which is found in the description on page 22, line 10. A copy of our letter to the official draftsperson is enclosed herewith.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

The Examiner is respectfully requested to pass this application to allowance but, if there are any outstanding issues, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 27 has been amended as follows:

27. (Amended) A wireless terminal method comprising:

- (a) providing a memory on the wireless terminal which in an on-line mode is adapted to be treated as local virtual memory by an application program running on a server to read and write data in the virtual memory related to the [remote] application program; and
- (b) providing a local application program on the wireless terminal which in an off-line mode has read and write access to the data in the virtual memory.

39. (New) A wireless terminal method comprising:

(a) providing a memory on the wireless terminal which in an on-line mode is adapted to be treated as local virtual memory by an application program running on a server to read and write data in the virtual memory related to the application program;

and

(b) providing a local application program on the wireless terminal which in an off-line mode has read and write access to the data in the virtual memory;
wherein in the off-line mode, when the application program running on the server
modifies data at the server the application program running on the server establishes a
data session with the wireless terminal and updates corresponding data in the virtual

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memory and when the local application program modifies particular data in the virtual
memory the local application program outputs a message, to the server, containing
updates for at least some of the particular data.

*Approved
21/5/02
JW*

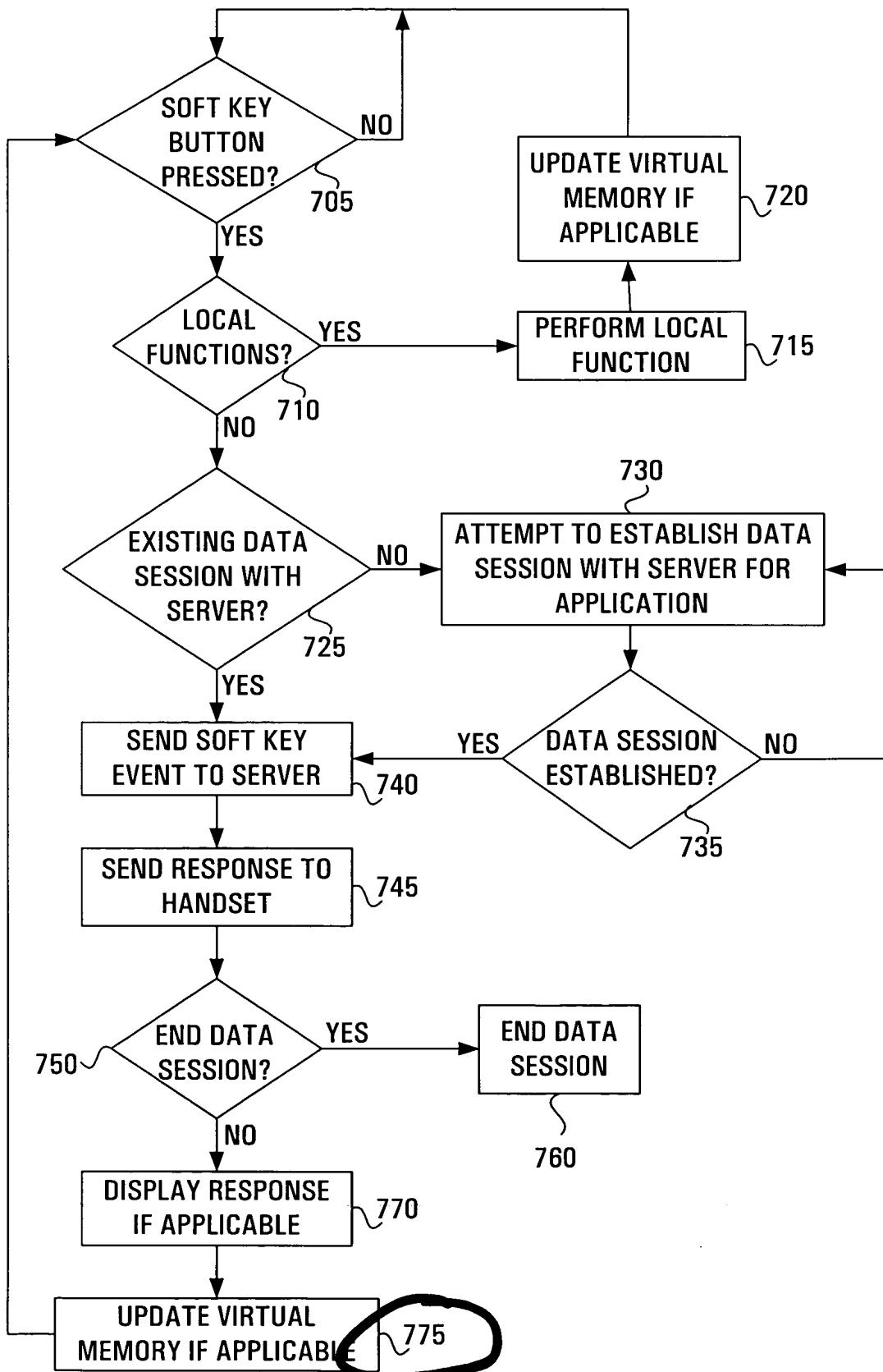


FIG. 6